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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,801	08/06/2001	Wanda L. Sims-Barnes		7398

7590 10/01/2002
Crossetta & Associates
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Buffalo, NY 14202

EXAMINER

FERNSTROM, KURT

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.

Office Action Summary

Application No.

09/921,801

Applicant(s)

SIMS-BARNES, WANDA L.

Examiner

Kurt Fernstrom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin.

Lin discloses in column 4, lines 34-41 of the specification a document which contains lines of text having words, where each word is identified by numbering. While progressive numbering corresponding to the position of the word is not explicitly disclosed by Lin, Official Notice is taken that when a plurality of items are identified by number, sequential numbering starting from the first item is a very well known way of providing the identification. With respect to claims 12 and 13, Official Notice is taken that providing numbers in superscript is a very common way of identifying a particular word or phrase, as for example when a footnote is provided, and that such footnote is generally provided in a smaller font than the related text, which serves the same purpose as providing a lighter shading to an identifying number. It would have been obvious to one of ordinary skill in the art to modify the device disclosed by Lin by providing superscript, lighter shaded numbers for the purpose of providing an identifying means which does not detract from the written text.

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3. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Zand. Lin discloses or suggests all of the limitations of claims 14 and 15 with the exception of the box outlines containing each line of text. Zand discloses in Figures 1 and 4 and in column 3, lines 20-39 and column 4, lines 61-69 of the specification a document containing text for teaching a user how to read, where each line of text is located within a rectangular box outline, defined by lines 42, 43 and 45 in Figure 1 and 42', 43' and 45' in Figure 4. The lines are shown in the Figures as being shaded lighter than the letters of the words. It would have been obvious to one of ordinary skill in the art to modify the device disclosed by Lin by providing a box outline for each line of text for the purpose of allowing the user to retain focus on a particular line of text.

Allowable Subject Matter

4. Claims 1-10 and 17-18 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to disclose or suggest a method of teaching reading comprising all of the steps of claims 1, 17 and 18, in particular sequentially numbering segments of written text and identifying words and phrases to a student in accordance with the student's reading ability. While Lin reads of the numbering of segments of text, the device of Lin is used with a multimedia device and has completely different purpose as the present claimed invention. Noting in the prior art suggests modification of the method disclosed by Lin to meet the method steps of claims 1, 17 and 18.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith, Cytanovich, Shapiro, Sterriti, Nelson, Cox and Rowland disclose various devices and methods for teaching reading.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (703) 305-0303.

KF

September 18, 2002


Kurt Fernstrom